

## PART A – POLICY AND PROCEDURES

### CHAPTER 5 - CODE AND OCCUPANCY REQUIREMENTS

#### 1.0 General Information

- 1.1 OFPM, on behalf of the Secretary of Administration, is to develop and adopt standards for inspection and acceptance of projects for the construction of buildings and major repairs and improvements to buildings for state agencies. ([K.S.A. 75-3783](#)) The standards and processes developed for acceptance is outlined in this chapter. The processes include: review and acceptance of code footprints where applicable, acceptance of construction documents for building codes (building, fire and life safety, electrical, mechanical and plumbing) and accessibility, acceptance of fire alarm and fire suppression shop drawings, code inspections of construction and issuance of Form 150 – Certificate of Occupancy.
- 1.2 Office of the Kansas State Fire Marshal (OSFM) and OFPM have a memorandum of understanding. OFPM will act as the single point of contact and will coordinate with OSFM (as applicable in [K.A.R. 22-1-7](#)) the reviews and acceptance of code footprints and temporary egress plans for construction on State property. will sign code footprints and accept temporary exit plans. OFPM will perform reviews of fire alarm plans and fire suppression plans for all construction projects on State property and will perform necessary inspections during construction for code and code footprint compliance.
- 1.3 Effective dates of applicable building codes, accessibility laws and guidelines and energy codes for Capital Improvement Projects in State Buildings are available on Form 110 – List of Applicable Codes at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>. Project Architects/Engineers that contract with the Department of Administration shall follow the applicable codes and accessibility laws attached to their contract.
- 1.4 Information regarding document submittal requirements for OFPM review and OFPM processing of submittals can be found in Part A – Chapter 4 of this manual.
- 1.5 Questions regarding the building code, or requests for building code interpretations are to be e-mailed to OFPM on Form 120 – Request for Review. (See Part A – Chapter 4 for general requirements on use of OFPM forms and submittal requirements) Any drawings provided to illustrate the questions shall be identified with an OFPM project number and shall be in PDF format.
  - 1.5.1 OFPM will provide a written response via e-mail to the individuals indicated on Form 120 – Request for Review.
- 1.6 Accessibility questions regarding new construction, additions, and/or renovations should be forwarded to OFPM. Accessibility questions regarding Title II program accessibility should be addressed to the State ADA Coordinator. (Contact information can be found at <http://admin.ks.gov/offices/personnel-services/policies-and-programs/ada>.)
  - 1.6.1 OFPM will provide a written response via e-mail to the individuals indicated on Form 120 – Request for Review.
- 1.7 A permit to build will be granted when the code footprint, if applicable, and the temporary egress plans, if applicable, has been accepted by OFPM / OSFM and construction documents have been accepted by OFPM. The permit to build is issued on the Form 125 – Project Acceptance.
- 1.8 OFPM, on behalf of Secretary of Administration, has authority to authorize / accept occupancy. ([K.S.A. 75-1262](#) and [K.S.A. 76-757](#)). Form 150 – Certificate of Occupancy will be issued by OFPM prior to occupancy of any portion of a building that has been in construction or has a change in occupancy. For Healthcare and Childcare Occupancies and Capital Improvement Projects for the

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Board of Regents, OSFM will also perform construction inspections prior to authorization/acceptance of occupancy.

### 2.0 Code Footprint

- 2.1 Submittal requirements and processing of code footprint can be found in Part A – Chapter 4.
- 2.2 Code Footprint is a building and life safety code compliance document that contains both graphic and narrative information and that meets the requirements of ([K.A.R. 22-1-7](#)). It is required to be submitted for all new construction, additions, and building renovation/remodeling affecting active or passive life safety systems or change in occupancy of buildings on State Property.
- 2.3 The code footprint must be acceptable to OFPM or OSFM and Form 125 – Project Acceptance issued to receive a permit to build or for documents to be released for bidding on OFPM plan room.
- 2.4 The construction shall comply with the accepted code footprint. If modifications occur during construction, the code footprint shall be revised and resubmitted for acceptance. (See Part A – Chapter 4).

### 3.0 Accessibility Laws and Guidelines

#### 1.0 Accessibility Analysis Submittal

- 1.1 Accessibility analyses, including completed path of travel forms for additions/renovations, are to be submitted for all new construction, new additions, and building renovation/remodeling (alterations).
  - 1.2 Accessibility analyses can be submitted at any time during the design and document phases.
  - 1.3 When alterations to a primary function area are being made, the Project Architect/Engineer is responsible to identify what “path of travel requirements” is triggered. Form 115 – Path of Travel is to be submitted to OFPM. Refer to the form for more information.
  - 1.4 When a design development submittal is required by the Project Architect/Engineer’s contract or per Section 9 of this chapter, the accessibility analysis must be provided as part of the design development submittal.
  - 1.5 Failure to provide compliant accessibility items in documents for Capital Improvement Projects will result in denial of release to bidders or permit to build.
  - 1.6 Follow the general submittal and processing requirements per Sections 1.0, 2.0 and 3.0 of this chapter.
- 3.1 All buildings on State-Owned Property are subject to federal [[28 CFR Part 35](#)] and state accessibility laws, ([K.S.A. 58-1301 et seq.](#)), which mirror Title II of the Americans with Disabilities Act (ADA). 2010 ADA Standards for Accessible Design ([2010 ADA Standards](#)) are the effective federal and state accessibility requirements.
  - 3.2 The Project Architect/Engineer is responsible for compliance with Section 3.2 where applicable on all new construction, additions and renovation projects. OFPM and the State ADA coordinator will review all projects for compliance with appropriate accessibility guidelines and applicable Title II requirements during all phases of a project. ([K.S.A. 58-1304](#))
  - 3.3 Any 2010 Design Standards or Title II issues, including program accessibility, will be resolved by the state ADA coordinator. (Contact information can be found at

<http://admin.ks.gov/offices/personnel-services/policies-and-programs/ada>) Note: There appears to be stronger integration of program and policy requirements in areas such as higher education facilities in Part 35 policy regulations.

- 3.4 The following is a list of accessibility elements commonly omitted on projects. This list is provided for the benefit of the Project Architect/Engineer. This list is not all-inclusive and does not relieve the Project Architect/Engineer from the burden of complying with current accessibility standards required by the State of Kansas.
  - 3.4.1 Multi-story governmental facilities are required to have at least one passenger elevator. Single story buildings with a code compliant mezzanine are not considered multi-story facilities.
  - 3.4.2 Path of Travel requirements are triggered when alterations are being made to a primary function area of a facility, and up to 20% of the construction budget is required to make alterations to meet path of travel requirements. (See Part A – Chapter 4 and Form 115 – Path of Travel for submittal requirements.)
  - 3.4.3 Accessibility improvements that are required to make a facility accessible to individuals with disabilities shall be provided in the base bid contract, except when the project is limited solely to accessibility improvements.
  - 3.4.4 Dispersion of accessible seating in assembly areas.
  - 3.4.5 Parking and drop-off areas.
  - 3.4.6 Exterior accessible routes.
  - 3.4.7 Required number of accessible entrances and exits.
  - 3.4.8 Door opening forces.
  - 3.4.9 Mounting height of control mechanisms, operable by the public, such as automatic door openers, elevator hall call buttons, door handles, light switches, etc. ~~should be no higher than 38".~~
  - 3.4.10 Reception counters.
  - 3.4.11 Areas of rescue assistance requirements.
  - 3.4.12 Accessible means of egress (2010 ADA Standards – After consultation with State ADA Coordinator and OSFM, it has been determined the 2018 International Building Code will be the referenced code for this requirement.)
  - 3.4.13 Fire alarm requirements.
- 4.0 Construction Separation and Temporary Egress Plans
  - 4.1 IFC Chapter 33 and NFPA 241 Chapter 8 are applicable for construction occurring when a building is occupied. Per the IFC/NFPA documents, temporary separation walls are required and shall be identified on construction separation and temporary egress plans. (Reference current List of Applicable Codes – Form 110)
  - 4.2 If construction separation or temporary egress plans are required, plans indicating construction separation and temporary egress for each phase of construction are required to be submitted and

accepted by OFPM and OSFM prior to issuance of a Permit to Build or release of bid document deliverables to OFPM plan room.

4.2.1 If, during construction the construction separation and temporary egress changes, each change shall be submitted for approval prior to the changes taking place. Submittal of the revised construction separation and temporary egress changes shall follow the submittal process for the original with the notation that the document is being revised.

4.3 Submittal requirements and processing of construction separation plans can be found in Part A – Chapter 4.

### 5.0 Energy Code Compliance

5.1 All new buildings or additions and all buildings renovated, retrofitted or repaired shall comply with the International Energy Conservation Code (IECC) or ASHRAE 90.1 or as an alternative the Project Architect/Engineer may seek to comply with a functionally equivalent standard as provided in [K.A.R. 1-67-2](#) and [K.A.R. 1-67-3](#). (Reference current List of Applicable Codes – Form 110)

5.1.1 When the project is a renovation, retrofit or repair, compliance will only be required on systems or components being replaced or altered.

5.2 The Project Architect/Engineer shall attest compliance as follows:

5.2.1 Indicate as requested by OFPM in Permit to Build submittal or in bid document deliverables submittal.

5.2.2 If the project complies with ASHRAE or IECC, additional documentation is not required.

5.2.3 If the Project Architect/Engineer is seeking compliance with a functionally equivalent standard, a report will be required to be submitted. Information is received and filed by OFPM. OFPM will not review or certify acceptance of the information provided.

### 6.0 Construction Document Reviews

6.1 Submittal requirements and processing of construction documents can be found in Part A – Chapter 4.

6.2 Final construction documents sealed by a Project Architect/Engineer are to be submitted to receive a permit to build.

6.3 Construction documents are to contain adequate information so compliance with the approved code footprint, applicable building codes and accessibility laws and guidelines can be determined. Form 123 – Construction Documents Checklist, available at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>, outlines required information to be provided.

6.4 A statement of special inspection shall be provided per applicable building codes. The Project Architect/Engineer may reference the project specifications in lieu of a separate statement.

### 7.0 Fire Alarm and/or Fire Suppression Shop Drawings

7.1 All fire alarm and fire suppression systems modifications or installations will require shop drawings unless exempted under the Limited Scope criteria listed in Part A – Chapter 4.

7.2 Submittal requirements and processing of fire alarm and fire suppression shop drawings can be found in Part A – Chapter 4.

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- 7.3 Installation of the systems shall not begin until Form 125 – Project Acceptance Record has been issued.

### 8.0 Required OFPM Code Inspections

- 8.1 OFPM performs required code inspections during construction for the Secretary of Administration and on behalf of the OSFM except as noted. These inspections are required for Form 150 – Certificate of Occupancy to be issued. ([K.S.A. 75-1262](#) and [K.S.A. 76-757](#))
  - 8.1.1 Healthcare occupancies (such as state hospitals and TUKH), childcare occupancies, Department of Corrections occupancies, and Capital Improvement Projects for the Board of Regents require joint inspection by OFPM and OSFM. OSFM is to be contacted for a 50% construction inspection and the final inspection. To schedule the inspections, contact OSFM at their main office at 785-296-3401. Refer to Section 8.6 for procedures for Final Inspection for Occupancy.
  - 8.1.2 In Healthcare occupancies subject to KDHE regulations, the Owner or Project Architect/Engineer is responsible for contacting KDHE and coordinating with KDHE regarding KDHE requirements for licensing and occupancy.
- 8.2 It is the responsibility of the Owner to verify the scheduling of construction inspections with OFPM inspector and when required, with OSFM. ([K.S.A. 75-3783](#))
  - 8.2.1 For OFPM Design Section construction projects and projects receiving OFPM Full Services, OFPM Design Section and OFPM will, on the behalf of the Owner, verify the scheduling of construction inspections with the OFPM inspector and when required, with OSFM.
- 8.3 OFPM inspector shall be scheduled for the following required code inspections (if applicable to the project). Reference Form 130 – Required Inspections for Occupancy for descriptions:
  - 8.3.1 Construction Separation and Temporary Egress if existing building is occupied
  - 8.3.2 Footings and Foundations
  - 8.3.3 Underfloor / Under slab
  - 8.3.4 MEP Underground (not associated with underfloor / under slab)
  - 8.3.5 Framing
  - 8.3.6 In-wall
  - 8.3.7 Fire-resistive assemblies and fire-resistant penetrations
  - 8.3.8 Above ceiling
  - 8.3.9 Fire Alarm (Including Acceptance Testing)
  - 8.3.10 Fire Suppression (Including Acceptance Testing)
  - 8.3.11 Emergency Lighting (Including Acceptance Testing)
  - 8.3.12 Fire Pump (Including Acceptance Testing)
  - 8.3.13 Elevator (witness load testing and verify accessibility)
  - 8.3.14 Roof inspections, including tear-off, insulation, membrane placement, flashing
  - 8.3.15 Emergency Power (Including Acceptance Testing)
  - 8.3.16 Smoke Control systems (Including Acceptance Testing)
  - 8.3.17 Pressure Testing of Piping
  - 8.3.18 Locking systems
  - 8.3.19 Final Inspection for Occupancy (Refer to Section 8.6 for procedures and Section 8.2.1 for required OFPM and OSFM joint inspections)
- 8.4 An OFPM Project Number and a Permit to Build (Form 125 – Project Acceptance) must be issued prior to scheduling a code inspection.

- 8.5 The fire alarm and fire suppression shop drawings must be accepted by OFPM prior to scheduling a code inspection for the fire alarm and/or fire suppression installation.
- 8.6 For Final Inspection for Occupancy the Owner (or his designee) must submit Form 120a – Request for Occupancy at least four weeks prior to construction completion or occupancy. Within 48 hours of receipt, OFPM will review status of required submittals and indicate if the final inspection can or cannot be scheduled. If a final inspection cannot be scheduled, the Owner will be informed of items required to be completed. If final inspection can be scheduled, Form 120a – Request for Occupancy will indicate personnel required to be contacted. The scheduling of OFPM inspector to be per Section 8.7.
  - 8.6.1 If the construction project timeframe is less than 90 days, the submittal of Form 120a – Request for Occupancy can occur one week prior to construction completion or occupancy.
  - 8.6.2 For OFPM Design Section construction projects and projects receiving OFPM Full Services, OFPM Design Section will, on the behalf of the Owner, submit Form 120a – Request for Occupancy.
- 8.7 The required code inspections listed above shall be coordinated with the OFPM inspector via individual cell telephones. Telephone contact is to be a minimum of 3 business days prior to anticipated inspection. OFPM inspectors do not have continual access to e-mail and therefore, e-mail contact does not constitute timely contact. Inspection confirmation may occur via e-mail.
- 8.8 If the OFPM inspector has available time within his work schedule, the inspection may not be subject to the minimum 3 business days.
- 8.9 It shall be the responsibility of the Project Architect/Engineer or Owner to assure the minimum 3 business day notice is being maintained.
- 8.10 OFPM inspectors can defer code inspections as follows:
  - 8.10.1 OFPM inspector to review installation and set standard by which installation will be inspected. First inspection of a component is to be completed by the OFPM inspector.
  - 8.10.2 Owner, Contractor or Project Architect/Engineer is to contact the OFPM inspector for all required code inspections.
  - 8.10.3 Inspector will indicate availability to make an inspection. Inspector will determine if he, another OFPM employee, Project Architect/Engineer or Owner can perform inspection. Inspector will inform Contractor and agency representative regarding who will be performing inspection.
  - 8.10.4 If Owner or Project Architect/Engineer personnel perform inspection, the installation will be documented with pictures. Personnel performing inspection shall forward pictures to the OFPM Inspector with a completed Form 140 – Deferred Inspection Record.
  - 8.10.5 OFPM inspector (or other OFPM personnel) will not defer and shall be present at the following code required inspections: fire alarm system, fire suppression system, fire pump, standpipes, back-up power sources, emergency lighting, accessibility and final inspection for occupancy and/or partial occupancy.
- 8.11 OFPM inspector will complete Form 135 – Inspection Record for each inspection. A copy of this form will be e-mailed to the Owner. It is the responsibility of the Owner to forward to the Project Architect/Engineer and Contractor.

### 9.0 Certificate of Occupancy

- 9.1 Form 150 – Certificate of Occupancy will be issued electronically via e-mail when OFPM and OSFM inspectors or OSFM designee, when required, have performed the final inspection and as follows in this section.
  - 9.1.1 A Certificate of Occupancy will not be issued to a project that does not have an OFPM project number.
- 9.2 Prior to requesting a final inspection for Occupancy, the Owner is to submit a Form 120a – Request for Occupancy per Section 8.0 of this chapter. Failure to submit the form and schedule OFPM and OSFM, when required, for an inspection will result in denial of occupancy.
- 9.3 Health care occupancies such as state nursing homes, state hospitals and KUMED Hospital; childcare occupancies (licensed by KDHE); Department of Corrections occupancies; and Capital Improvement Projects for the Board of Regents require inspection by OFPM and OSFM or OSFM designee. The inspection is to be scheduled as a joint inspection with OFPM and OSFM. Owner or his designee is responsible to contact OSFM to schedule the inspection.
  - 9.3.1 In Healthcare occupancies subject to KDHE regulations, the Owner or Project Architect/Engineer is responsible for contacting KDHE and coordinating with KDHE regarding KDHE requirements for licensing and occupancy.
- 9.4 Form 150 – Certificate of Occupancy will be issued by OFPM when OFPM personnel and OSFM (as required in Section 9.3) have determined all applicable life safety systems and accessibility items have been verified acceptable and as outlined on the Form 145 – Occupancy Checklist and as follows:
  - 9.4.1 Occupying a portion of a project (other portions of project still in construction):
    - 9.4.1.1 Floor plan is submitted per Part A – Chapter 4.
    - 9.4.1.2 If the project was not bid through OFPM plan room, the Contractor shall agree in writing to complete and correct all work for the project in accordance with contract documents within a time specified after the date of such occupancy.
    - 9.4.1.3 If the project was bid through OFPM plan room, in addition to Section 9.4.1.2, Form 570 – Certificate of Substantial Completion (with the area to be occupied identified) along with Project Architect's/Engineer's punch list will need to be issued and signed by the Contractor and forwarded to OFPM.
  - 9.4.2 Occupying a project that is substantially complete (Contractor has a list of items to complete):
    - 9.4.2.1 If the project was not bid through OFPM plan room, the Contractor shall agree in writing to complete and correct all work for the project in accordance with contract documents within a time specified after the date of such occupancy.
    - 9.4.2.2 If the project was bid through OFPM plan room, Form 570 – Certificate of Substantial Completion along with Project Architect/Engineers punch list will need to be issued and signed by the Contractor and forwarded to OFPM.
  - 9.4.3 Occupying a project that is complete (Contractor has completed all contract document items):

- 9.4.3.1 This applies to projects bid through the OFPM plan room. The Project Architect/Engineer and Owner recommend by e-mail to OFPM the project is complete and the Project Architect/Engineer routes Form 571 – Certificate of Project Completion. (Reference Part B – Chapter 6)

**END OF CHAPTER**